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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,190	08/31/2006	Morten Mernoe	18879-014US1	7387
26191 7590 06/15/2009 FISH & RICHARDSON P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022				
EXAMINER STIGELL, THEODORE J				
ART UNIT 3763		PAPER NUMBER		
NOTIFICATION DATE 06/15/2009		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

### Office Action Summary

**Application No.**

10/591,190

**Applicant(s)**

MERNOE, MORTEN

**Examiner**

THEODORE J. STIGELL

**Art Unit**

3763

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-34 and 41-43 is/are allowed.
- 6) ☒ Claim(s) 9-22 and 35-40 is/are rejected.
- 7) ☒ Claim(s) 21, 24, 29, 35 and 41 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

#### ***Amendments***

The examiner acknowledges the amendments to the specification and claims filed on 3/19/2009. These amendments are accepted.

#### ***Priority***

The applicant's remarks regarding the priority documents are acknowledged and accepted. Accordingly, the applicant is not required to submit certified copies of the foreign priority documents.

#### ***Specification***

The disclosure is objected to because of the following informalities:

- There is an apparent typo on line 26 of page 5 of the specification filed on 8/31/2006. See "from the retracted position thereof the engaged position thereof."
- There is an apparent typo on line 32 of page 5 of the specification filed on 8/31/2006. See "the spring 40 is tension".

Appropriate correction is required.

#### ***Claim Objections***

Claims 21, 24, 29, 35, and 41 are objected to because of the following informalities:

- There is an apparent typo on line 2 of claim 21. See "comprising linearly displaceable plate".

- There is an apparent typo on line 2 of claim 24. See "comprising" which should be --comprises--.
- There is no antecedent basis for "driven member" in claim 29.
- There is no antecedent basis for "driven member" in claim 35.
- The limitation of "in a dispensing cycle, rotating a motor one or more full revolutions in a first rotational direction to twist or untwist a string member and thereby adjust a ratchet mechanism" should be "in a dispensing cycle, rotating a motor one or more full revolutions in a first rotational direction to twist or untwist a string member thereby adjusting a ratchet mechanism" to more clearly recite that a step is being performed. Please make similar changes in the "next dispensing cycle" step.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 9-22 and 35-40 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no disclosure of a "reset

position" and a "forward position" of a pawl as is recited in claims 9 and 35. Therefore, one of ordinary skill in the art would not be enabled to make a pawl member adjustable between a "reset" and "forward" position. The applicant points to page 5, lines 10-32 and page 6, lines 18-34 of the originally filed specification, but there only appears to be a disclosure of a retracted position and an engaged position. It is not clear from the originally filed disclosure that these positions correspond to the claimed reset and forward positions.

#### ***Double Patenting***

The double patenting rejections have been withdrawn in light of the applicant's remarks filed 3/19/2009.

#### ***Allowable Subject Matter***

Claims 23-34 and 41-43 are allowed.

#### ***Response to Arguments***

Applicant's arguments filed 3/19/2009 have been fully considered but they are not persuasive.

The applicant's response to the 112 rejection is not persuasive. Please see the rejection above.

#### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 7,534,226 to Mernoe et al.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **THEODORE J. STIGELL** whose telephone number is (571)272-8759. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas Lucchesi can be reached on 571-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Theodore J Stigell/  
Examiner, Art Unit 3763

/Nicholas D Lucchesi/  
Supervisory Patent Examiner, Art Unit 3763